App. F. IX-4

Previous References.

1941-42
(NA)

File No. 144-41

Serial Nos. 12-14

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

preserve

Part B for April 42.

SUBJECT.

Amendment of the rule re the effect of reduction of increment in regulating the accrual of future increment of Government servants.

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* 6254 & 8.4.42
P 55
Comptroller Bgal i/Combined
Award Award of Imperial Service Re
Issues on Amendment slip to
M.S.P.

13

Amendment of the Rule re: the effect of reduction of increment in regulating the accrual of future increments of Govt Servants

General and Revenue Secretariat | S & A File No. of 1941. | [App. F. III-2

Serial No.

From

The Comptroller

Letter No 528/B.S. dt 27-1-42

Suggests that Article 81 of the R.S.R. dealing with the procedure in regulating the accrual of increments to Govt servants who have been reduced to lower grades or appointments on account of misconduct or inefficiency, be suitably amended on the lines of the Fundamental Rules.

1) The Comptroller brings to the notice of Govt that in British India, the authority competent to reduce an officer either on account of misconduct or inefficiency is also competent to decide whether on restoration, the officer shall ~~or shall~~ or shall not count for increment previous service in the grade or appointment from which he was reduced: But such a power, as per Article 81 of the R.S.R is vested in Govt. He suggests that our rule may also be suitably amended on the lines of the Fundamental Rules.

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

2) Article 79 of the R.S.C. deals with the power to withhold increments to Govt. servants. Whereas Article 81 of the R.S.C. prescribes regulates the procedure to be observed in regulating the accrual of increments in the case of a Govt servant who has been reduced to a lower grade or appointment and is subsequently reinstated. The two are distinct from each other, in that reduction to a lower appointment or grade is a heavier form of punishment than withholding of an increment. The former amounts to withdrawing a benefit already enjoyed by the officer. Probably on this ground Govt insists that, ~~such case of reduction such should require this~~ sanction Govt insists that they alone should decide whether an officer is unworthy should alone or restoration, shall or, shall not count for increments previous service in the grade or appointment from which he was reduced

3) The Heads of Offices are according to the Article 79 of the R.S.C.

Serial No.

empowered to withhold withhold periodical increments of ministerial or menial officers but they are not always competent to reduce such officers to a lower grade or appointment either on account of misconduct or inefficiency.

4) It is generally the officer competent to fill up an appointment that can reduce an officer to a lower grade or appointment on account of misconduct or inefficiency the spirit of the rule will not, it seems, be violated defeated if such an officer is also empowered to decide whether on restoration the officer shall or shall not count for increments previous service in the grade or appointment from which he was reduced.

5) If this view is acceptable Article 81 of the C.S.R may suitably be amended on the lines of the corresponding provision of the Fundamental Rules (F.R.29 of the Govt of India which is more

NOTE—Cont. Sheet.

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Amendment to F.R.S.R. 29-5-

A File No. of 1941.	General and Revenue Secretariat

Serial No.

Comprehensive Rules are to be in the M.S.R.

6) Rules for modes

Rs 9/3

By

7) The Scope of Art. 79 ~~[illegible]~~. is different from that of Art. 81, ~~[illegible]~~ but nevertheless the existing rules are not as specific as in Br. India and references ~~are~~ have often ~~to be~~ made to Govt. as to whether a

A reduction of pay (ordered even by Govt.) is intended ~~is~~ to have the effect of postponing his further increments.

8) The Br. rule lays down that- Whenever a reduction of pay is ordered, the authority ordering the same "shall state the period for which it shall be effective & whether on restoration it shall operate to postpone future increments and if so to what extent". ~~This~~ Such a specific injunction will, if duly carried out, make the orders more definite and minimise references to Govt.

9) ~~Of~~ Art. 81, M.S.R. may be amended on similar lines

A Are there many such cases in a year? If so, can we get an idea of the saving ~~[illegible]~~ by ~~[illegible]~~

10/3

Dy

12/3

Amendment of Article 81 of the R.S.R

General and Revenue Secretariat | SJA File No. 2933 of 1941. | [App. F. III—2

Serial No.

with reference to para (10), it is submitted that it is rather difficult to furnish information on the point called for.

The Comptroller may, however, be consulted in the matter, Subj with a draft for orders

Vrs
13/3
By
14-3

I feel that it is difficult even for the Comptroller to give any accurate information as the article is a general one affecting all grades of officers in all Depts. (The proposed change will tend to make an order of reduction of pay to be more clearly defined in respect of its implications at the time it is passed & may avoid future references)

If the particulars asked for by the Dy Secy. are deemed necessary, the Comptroller may be addressed

Q 14/3

D Secy

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

My point is that each case will have to be decided on its own merits and if there are many cases or instances in a year, there may not be any necessity to amend the rule. Hence I think

Amendment to H.S.R.

S/A File No. of 194 . | General and Revenue Secretariat.

Serial No. 8202

that the question of amending the existing rule may be taken up after examining a few cases of doubt which can conveniently be kept in view.

Hy) JVJ 14/3

I am of the considered view that the Rule which requiring the period for which reduction is to be operative & the ~~reduction~~ effect of such reduction on the earning of future increments to be specifically noted by the authority competent to order reduction is one that may be usefully adopted here. Rule 81 may be suitably amended.

agree

Mr F&R) Dewan

16.3.42 JVJ 16/3 w

PVR 18/3

OFFICE OF THE MINISTER FOR F... & REVENUE 16 MAR 1942 No 5614

9/11 25/3/42

M.3.42 JVJ 27/3. w

Rule 11 (2) (vi) & (vii) provides for orders. As the amendment is one altering the rule concerning the publication of all orders, it may perhaps be published in the Gazette. } May be published

PVR

Ks 2/4/42

2/4/42 JVJ

Hy) Dy S

AD/Gazette 9/4/42

General and Revenue Secretariat | SJA File No. 144 of 1941. | [App. F. III-2

Serial No.	
	To The Comptroller No H 6253 dated 8-4-42 Sub Amends Article 81 of the Mysore Service Regulations To The Comptroller The Compiler No H 6254-5 dated 8-4-42 Issues an amendment slip to the M.S.R.

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

SHA144-41-12

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No 528/B.2. Bangalore, dated 27th January 1942.

From

M. VIRARAJA URS, Esq., B.A., B.L.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

To

Rajasevaprasakta
A.N.Raghavachar, Esq., M.A.,
Financial Secretary to Government of Mysore,
Bangalore.

GEN. & REV. SECRETARIAT.
29 JAN 1942
2933
FINANCIAL BRANCH.

Sir,

I have the honour to state that a doubt is felt as to whether in the case of reductions of pay in the same grade for a specific period the authority competent to reduce is equally competent to decide that such a reduction is or is not to have the effect of postponing his further increments as when an increment is withheld according to the provisions of Article 79, Mysore Service Regulations.

According to the Article 81 M.S.R. an officer reduced to a lower grade or appointment on account of misconduct or inefficiency cannot without the sanction of Government count for increments previous service in the grade or appointment from which he was reduced.

Reduction of an increment is a more serious form of punishment than withholding an increment, as it involves withdrawing of a benefit already sanctioned and also enjoyed by an officer for some time and it therefore does not seem to be correct to applythe rule in Article 79 M.S.R. dealing with cases of withholding increments to cases of reduction whether in the same grade or from one grade to another or from on appointment to another.

According to F.R.29 (Government of India Fundamental Rules) which corresponds to Article 81 M.S.R. "if a Government servant is on accoun of misconduct or inefficiency reduced a lower grade or post or to a lower stage in his time scale the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone futnre increments, and if so to what extent"

G. R. S. App. F VI—G 2]

SUBJECT ..... 2 copies .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *194* .

Date of issue ..... 8 . 2 .....194 2.

Signed by ..... Mr C.g.R .....

May this be— Rules.

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

may be revised on the lines of Rule 29 of the G. of I. Fundamental

Section G1A

File No. 144-41

Serial No. 13

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Letter No S 25/135 dated 27-1-42 from the Comptroller suggesting, ~~stating, that~~ in the circumstances explained, that Article 81 of the Mysore Service Regulations, ~~is not~~ ~~corresponding to~~ the Fundamental Rules of the Government of India, is not as specific as the Fundamental Rules in the matter of counting for increments previous service in the grade or appointment from which an officer is reduced in case of reduction and recommending that the Article in the M.S.R.

Order ~~thereon~~—No.

[illegible] of [illegible] as required on the lines
of the Fundamental Rule
referred to

Corder 31 6253

According to
Fundamental Rule 29, if
a Civil Servant, is on
account of his conduct or
inefficiency, reduced to a lower
grade or post, or to a lower
stage in his time scale, the
authority ordering such reduction
shall state the period for which
it shall be effective and
whether, on restoration, it
shall operate to post him
for future increments and if so
to what extent.

Article 81 of the U.S. Regulations
corresponds to the Fundamental
Rule 29 referred to above, ~~does not specifically~~
only without the
provide that a Searching Officer
~~should be obtained for~~ an officer so
reduced to a lower grade or appointment cannot
count for increments.

List of Enclosures

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

~~And is not as specific as the~~

~~and is not as specific~~

~~and does not specifically require the authority ordering the reduction to indicate also what its effect should be on future increments etc.~~

The Comptroller suggests that ~~the~~ Art 81 of the M.S.R. may be amended on the lines of Rule 29 of the Fundamental Rules, which is more specific. Govt. agree with the Comptroller and accdg. direct that Art ~~29~~ 81 M.S.R. be revised as under :—

[See other draft below]

previous service in the grade or appointment from which an officer is reduced, ~~but~~ specifically ~~stating~~ ~~say~~ ~~that~~ ~~not to be taken into account~~ that the authority ordering the reduction and also ~~in~~ ~~cases~~ should indicate ~~how far~~ what effect the reduction will have on ~~his~~ ~~future~~ increments.

Govt ~~observe~~ consider that the British Indian rule requiring the period for which reduction is to be operative & the effect of such reduction on the earning of future increments to be specifically stated by the authority competent to order reduction ~~be adopted~~.

~~Necessary amendment~~ to the Mysore Service Regulations will be issued separately

WD 0186—GPR—15,000—6.9

To

The Secretary to Govt
The Controller
~~The Medical Secretary~~

(6) Extra

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read -

Letter No.525/B.S. dated 27th January 1942 from the Comptroller suggesting in the circumstances explained that Article 81 of the Mysore Service Regulations may be revised on the lines of Rule 29 of the Government of India Fundamental Rules.

Order No. F 6253 1-A 144-41-13

Dated, Bangalore, 8th April 1942.

According to Fundamental Rule 29, if a Government servant, is on account of misconduct or inefficiency, reduced to a lower grade or post or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, it shall operate to postpone future increments and if so to what extent. Article 81 of the Mysore Service Regulations, which corresponds to the Fundamental Rule 29 referred to above, merely provides that without the sanction of Government an officer so reduced to a lower grade or appointment cannot count for increments, previous service in the grade or appointment from which an officer is reduced.

The Comptroller suggests that Article 81 of the Mysore Service Regulations may be amended on the lines of Rule 29 of the Fundamental Rules which is more specific. Government agree with the Comptroller and accordingly direct that Article 81 Mysore Service Regulations be revised as under:-

"If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if so to what extent"

for Financial Secretary to Government.

To

The Comptroller to Government.

be effective and, unless,
on restoration, it shall
operate to postpone future
increments and if so to
what extent," shall

By order

[illegible] 6/4/42
for Secy to Govt

To

The Compiler Mysore Gazette -
The Controller

Ks
4/4/42

12 copies

Appendix F G—1

SUBJECT.....

.....

.....

Section SHA

File No. 144-41

Serial No. 14

Diary No. of letter replied to.....

No. 71 6254-55

To

General and Revenue Secretariat

( )

the *19* .

Adelaide and

Corrigenda slip to the
Police Service Regulations

Date of issue..... 8.4.42.....

Page 27 Article 8

Signed by .....

Substitute the following

for the present Article 8 of the
U.S.R.

8 (a) a Govt Servant,

is, on account of misconduct
or inefficiency, reduced to
a lower grade or post, or to a
lower stage in his time-scale
by an authority ordering such
reduction shall, state the
period for which it shall

List of enclosures.....

Copied by .....

Examined by .....